

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TRILLER FIGHT CLUB II, LLC,)	CASE NO: 1:21-cv-00401-MRB
)	
Plaintiff)	JUDGE MICHAEL R. BARRETT
)	
vs.)	
)	
JERREN SWORDS,)	<u>PLAINTIFF'S RESPONSE TO ORDER</u>
)	<u>TO SHOW CAUSE [ECF No. 10]</u>
)	
Defendant)	

Plaintiff Triller Fight Club II LLC (“Plaintiff” or “Fight Club”) hereby files this Response to the Court’s Order to Show Cause dated August 5, 2021 (ECF No. 10), and, for the reasons stated herein, respectfully requests the Court not dismiss this action.

1. Fight Club is the copyright owner and publisher of the April 17, 2021, broadcast of the “Jake Paul vs. Ben Askren” boxing event, including all undercard bouts and the entire television broadcast, exhibited on a pay-per-view basis via closed circuit television and via encrypted satellite signal (hereinafter referred to as the “Broadcast”). Plaintiff’s copyright in the Broadcast bears Registration Number PA 2-290-040, became effective on April 30, 2021, and was decided on May 4, 2021.

2. At or about the time the Broadcast was first exhibited, Fight Club became aware that a number of individuals had “pirated” the Broadcast—or viewed the Broadcast, in full or in part, without paying Fight Club the required pay-per-view fee—in violation of Fight Club’s copyright rights.

3. Defendant Jerren Swords (“Defendant” or “Swords”) admitted that he watched the Broadcast without paying Fight Club the required pay-per-view fee. Accordingly, on June 11,

2021, Fight Club initiated this action by filing a complaint against Mr. Swords (the “Complaint”). (ECF No. 1.)

4. On June 14, 2021, Fight Club personally served Mr. Swords with the Complaint and summons. (ECF No. 6.) Shortly thereafter, on June 28, 2021, a man identifying himself as Mr. Swords’ father contacted counsel for Fight Club to discuss the Complaint.

5. On July 9, 2021, counsel for Fight Club sent Mr. Swords a letter informing him that a man identifying himself as Mr. Swords’ father had contacted counsel for Fight Club. In the letter, Fight Club asked that Mr. Swords advise counsel for Fight Club, in writing, whether he intended to retain counsel in this matter, or whether he consented to counsel for Fight Club’s continued direct communication with Mr. Swords and/or his father concerning this matter. A true and correct copy of the aforementioned letter is attached hereto as **Exhibit A**.

6. To date, Fight Club has received no response to the aforementioned letter, and thus, Fight Club has now requested entry of default against Mr. Swords. (ECF No. 11.) Once default is entered by the Clerk, Fight Club will file a motion for default judgment, if necessary.

7. In light of the foregoing, Fight Club respectfully requests that the Court not dismiss this action.

/s/ Robert E. Chudakoff

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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2021, the foregoing Plaintiff's Response to Order to Show Cause was electronically filed. Notice of this filing will be sent to counsel of record for all parties by operation of the Court's Electronic Case Filing system. Parties and their counsel may access this filing through the Court's Electronic Case Filing System. A copy was sent the same date by regular U.S. mail, postage prepaid, to the following unrepresented party:

Jerren Swords, *Defendant*
231 Nauvoo Pond Creek Road
West Portsmouth, Ohio 45663

/s/ Robert E. Chudakoff

Robert E. Chudakoff (OH 0038594)
ULMER & BERNE LLP

Trial Attorney for Plaintiff
Triller Fight Club II LLC